

Abu-Jamal lawyers argue trial was biased

PHILADELPHIA (AP) - Lawyers for former Black Panther Mumia Abu-Jamal argued to an appeals court recently that racism by a judge and prosecutors corrupted the 1982 trial at which he was condemned for killing a White police officer.

Abu-Jamal, 53, once a radio reporter, has attracted a legion of artists and activists to his cause in a quarter-century on death row, and hundreds protested outside the courthouse.

Their chants could sometimes be heard inside, where a 3rd U.S. Circuit Court of Appeals panel explored defense claims of racial bias and flawed jury instructions.

"If there's one thread that runs through this case, it's racism," Abu-Jamal's lawyer, Robert R. Bryan, said afterward.

A federal judge overturned Abu-Jamal's death sentence in 2001 but upheld his conviction. Both sides are appealing that order. Prosecutors want the sentence reinstated while Abu-Jamal is fighting for a new trial.

The appeals panel is weighing three issues: whether the trial judge was racially biased, whether the judge erred in instructing jurors on the death penalty, and



Protesters in support of Mumia Abu-Jamal march outside the courthouse in Philadelphia.

whether the prosecution improperly eliminated Black jurors.

Bryan charged that prosecutors at the time fostered "a culture of discrimination" against Blacks that the Philadelphia district attorney's office still tries to conceal.

Ten Whites and two Blacks served on the jury that convicted Abu-Jamal. Prosecutors struck 10 Blacks and five Whites from the pool, while accepting four Blacks and 20 Whites, Bryan said.

But the judges suggested they needed to know the racial makeup of the approximately 150-person jury pool before they could determine whether the selection had been biased.

No such record exists. "We're a day late and a dollar short with that issue, unfortunately," Bryan said.

Prosecutor Hugh J. Burns Jr. argued that Abu-Jamal did not raise some of the appellate issues at the 1995 hearing, making it difficult for him to defend the challenges now.

The jury convicted Abu-Jamal of killing Officer Daniel Faulkner, 25, after the patrolman pulled over Abu-Jamal's brother, William Cook, in an overnight traffic stop. Prosecutors call the evidence against Abu-Jamal overwhelming. Most important, Abu-Jamal was shot — by Faulkner, prosecutors say — and still at the scene when police arrived.

Abu-Jamal was not entitled to be in court, but many other key participants attended: Faulkner's widow, Maureen; his beat partner, Garry Bell; lead trial prosecutor (See Abu-Jamal, Page 4)

U.S. sues New York for bias over firefighters test

NEW YORK - The United States Department of Justice filed a civil rights lawsuit against New York City over the Fire Department's written multiple-choice test, which Black and Hispanic candidates fail at much higher rates than Whites.

The suit contends that the city has never proven a link between test scores and performance as a firefighter, as it can be asked to do under civil rights law, given the lower scores by members of non-White ethnic groups.

The suit is the latest in a series of attempts going back decades to force the integration of the city's Fire Department, which is more than 90 percent White. The Fire Department is only 3 percent Black and 4.5 Hispanic, a tiny proportion in a city in which Blacks and Hispanics combined make up more than half the population. Many other large American cities have fire departments that are 30 or 40 percent Black, Hispanic and other non-White ethnicities, often as a result of court-ordered integration, the Justice Department said.

New York City's testing practices "do not select the firefighter applicants who will best perform their important public safety mission, while disproportionately screening out large numbers of qualified Black and Hispanic applicants," Wan J. Kim, assistant attorney general for the Justice Department's Civil Rights Division, said in a statement.

The city, though, argued that it had made great strides in recent years in recruiting Black and Hispanic firefighters and that the percentage of Black and Hispanic firefighters hired tripled in the last 10 years. Three times as many Blacks and twice as many Hispanics took the most recent firefighter test, offered in January, as took the previous one, offered in 2002, and the test itself has been overhauled to test for a broader range of abilities, the city said.

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Sharpton

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church will not comment on Romney's campaign and maintains a position of political neutrality. On the air, Sharpton said he and Elder M. Russell Ballard, of the church's governing board of the Quorum of the Twelve Apostles, met over Sunday dinner and "talked very little, if at all" about the comments. Instead, Sharpton said, they discussed shared concerns and places where their faiths can work together.

"This is not politics," Sharpton said. "This

is about what you fundamentally, firmly believe. I did not want to leave it as 'we got past an issue.'"

The dinner was followed by a tour of church facilities the next morning, including a humanitarian aid center from which the church distributes clothes, food and medical supplies around the world.

Salt Lake City is the world headquarters of the Church of Jesus Christ of Latter-day Saints, with a temple and other properties covering several downtown blocks.

Bias

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"African-Americans face greater difficulty in developing their business, career and income," according to the court filing.

Shirley Norton, a Bank of America representative, dismissed the claims.

"Our company does not tolerate discrimination," she said. "We intend to vigorously defend against the claims made in this lawsuit."

The lead plaintiffs include Richard Turnley, Baron Finlayson, Timothy Johnson II and Mark Anthony Brown, former financial advisers in Atlanta and Coleen Alecia Hinds, who currently works as a banker in Atlanta.

"These banking professionals are entitled to the same business opportunities as their Caucasian counterparts — and Bank of America has denied them the opportunity to succeed," Darnley Stewart, one of the plaintiffs' lawyers, said in a prepared statement.

The lawsuit, which has yet to seek class-action status, purports to cover people who worked as bankers or brokers at Bank of America from April 2003 to present.

The lawsuit didn't specify how many African-American employees are at the bank. As of the filing of the suit, Bank of America had around 3,000 financial advisors and 4,400

so-called premier bankers in the United States, according to the court document.

Bank of America's financial advisers and premier bankers both cater to clients with assets to invest valued between \$100,000 and \$3 million.

New York-based Merrill Lynch & Co., the largest retail brokerage house in the United States, also faces a race-bias suit from African-American employees. Seventeen current and former Black financial advisers and broker trainees have alleged the brokerage discriminated against African-Americans in hiring, promotion and compensation.

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